

**REMARKS**

A petition to extend the time for response by three (3) months is enclosed herewith.

Claims 15-24 and 27-36 were previously pending in the application. By the Amendment, Claims 15, 20, 31, 33 and 35 are currently amended and Claims 16-19, 21-24, 27-30, 32, 34 and 36 remain unchanged.

Claims 15-24, 27, 33 and 35 stand rejected under 35 USC § 112, second paragraph, as being indefinite. In Claim 15 is assertedly unclear whether the door or a combination of the door and refrigerator is being claimed. Claim 15 has been amended in a manner making it clearer that the door is being claimed. In Claims 33 and 31, indefiniteness is based on the recitation of a "highly transparent material" in Claim 31 and the choice of an opaque material in Claim 33 depending from Claim 31. Claims 33 and 31 have been amended in a manner that reconciles the seemingly mutually exclusive features. A similar argument is used in the Official Action to reject Claim 35. A remedy similar to that applied to Claims 31 and 33 was applied to Claims 35 and 20. It is therefore respectfully asserted that the outstanding rejection under 35 USC § 112, second paragraph, is now moot and should be withdrawn.

The claim also stand rejected under the cited prior art of record. Specifically, Claims 15-20, 22-24, 38-31, 33 and 35 were rejected under 35 USC §102(e) as being anticipated by WO 02/065036 to Bukulmez (Bukulmez '036). Claims 21 and 32 were rejected under 35 USC §103(a) as being unpatentable over Bukulmez '036. Claims 27 and 34 were rejected under 35 USC §103(a) as being unpatentable over Bukulmez '036 in view of DE 9218613 to Licentia (Licentia '613). Claim 36 was rejected under 35 USC §103(a) as being

unpatentable over Bukulmez '036 in view of US 6101819 to Onaka (Onaka '819) and US 7031144 to Carter et al. (Carter '144).

Independent claim 15 is directed to a door for a refrigerating appliance including an outer wall, an inner wall, and a transverse edge formed with a viewing window. The outer wall and the inner wall interconnected along their longitudinal and transverse edges forming a space therebetween to form a depth for the door. The viewing window extends over the depth of the door. The door covers the body of the refrigerating appliance to its upper edge and a control panel that is mounted on an upper front edge of a body of the refrigerating appliance is visible through the viewing window.

Independent Claim 28 is directed to a refrigerating appliance including a body, a door abutting the body in a closed position of the door, the door having an upper transverse edge. A display element is mounted at an upper front edge of the body and a viewing window is formed in the upper transverse edge of the door, wherein the viewing window is oriented such that the display element is visible when the door is closed.

Independent Claim 36 is directed to a refrigerator appliance including a body with a back side, a front side extending between an upper front edge and a lower front edge, an opening formed in the front side, and a top surface extending to and between the back side and the front side. A control panel is mounted on the upper front edge of the front side of the body, the control panel extending to a height such that no portion of the control panel extends higher than the top surface extending to and between the back side and the front side. A door is operable to close off the opening formed in the front side of the body wherein the door has an outer wall, an inner wall, with the outer wall and the inner wall being interconnected along their longitudinal and transverse edges

forming a space therebetween to form a depth for the door. One transverse edge is formed with a viewing window extending over the depth of the door, wherein the door covers the body of the refrigerating appliance to its upper edge and wherein the control panel is mounted on the upper front edge of the front side of the body of the refrigerating appliance is visible through the viewing window.

Conventional refrigerators that have a control panel mounted on an upper front edge have a door which ends a few centimetres below the upper edge so that the control panel is visible. However, the appearances of these refrigerators suffer as the door, which presents the most striking appearance, is shorter than the body of the refrigerator.

Other conventional refrigerators that have a control panel mounted on an upper front edge have a door which extends as far as the upper edge of the body of the refrigerator. However, as a result, these doors cover the control panels and the visibility and convenient operation of the control panels are lost.

In contrast, the present invention provides a door that covers the body of the refrigerating appliance to its upper edge and which includes a viewing window through with the upper front edge mounted control panel is viewable. In this manner, a door is provided which extends up to the upper edge and, therefore, provides a desirable appearance while simultaneously enabling viewability of the control panel.

None of the applied references teaches or suggests the features of the claimed invention including: 1) a control panel mounted on an upper front edge of a body of the refrigerating appliance that is visible through a viewing window of a door; (claim 15) and 2) a display element mounted at an upper front edge of the

body and a viewing window oriented such that the display element is visible when the door is closed (claim 28). As explained above, these features are important for providing a refrigerator with a front edge mounted control panel which is visible through a door that provides a complete aesthetic appearance.

In contrast to the claimed invention, Bukulmez '036 discloses a refrigerator with a control panel 3 that is mounted to the top of the body of the refrigerator. In particular, the control panel 3 is mounted on top of the upper panel 10 of the refrigerator. Bukulmez '036 very clearly does not teach or suggest any control panel that is mounted on an upper front edge of the body of a refrigerator.

Since the control panel of Bukulmez '036 is not mounted on an upper front edge, Bukulmez '036 does not even suffer from the problem that is solved by the present invention. As explained above, the present invention is directed to solving the problems that an upper front edge mounted control panel presents. Since Bukulmez '036 does not teach or suggest an upper front edge mounted control panel, Bukulmez '036 does not address the problems, let alone any solution that is provided by the claimed invention.

The Office Action rejects claims 21 and 32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bukulmez '036. Further, the Office Action rejects claims 27 and 34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bukulmez '036 in view of the Licentia '613. Applicants respectfully traverse these rejections.

None of the applied references teaches or suggests the features of the claimed invention including: 1) a control panel mounted on an upper front edge of a body of the refrigerating appliance that is visible through a viewing window of a door; (claim 15) and 2) a display element mounted at an upper front edge of the

body and a viewing window oriented such that the display element is visible when the door is closed (claim 28). These features are important for providing a refrigerator with a front edge mounted control panel which is visible through a door that provides a complete aesthetic appearance.

As explained above, Bukulmez '036 does not teach or suggest these features. The Licentia '613 does not remedy the deficiencies of Bukulmez '036 and the Office Action does not allege that the Licentia '613 remedies these deficiencies.

the Office Action rejects claim 36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bukulmez '036 in view of Onaka '819 and Carter '144. Applicants respectfully traverse these rejections.

Among other features, Bukulmez '036 fails to disclose a refrigerator appliance including a control panel is mounted on the upper front edge of the front side of the body, the control panel extending to a height such that no portion of the control panel extends higher than the top surface extending to and between the back side and the front side. Further, Bukulmez '036 fails to disclose one transverse edge of the door being formed with a viewing window extending over the depth of the door, wherein the door covers the body of the refrigerating appliance to its upper edge and wherein the control panel is mounted on the upper front edge of the front side of the body of the refrigerating appliance is visible through the viewing window. Neither Onaka '819 nor Carter '144 remedy the deficiencies of Bukulmez '036, and accordingly, cannot be combined with Bukulmez '036 to render the present invention obvious. In addition, there is not teaching or motivation to combine the references in an attempt to achieve the present invention.

For these and other reasons, Bukulmez '036 does not disclose the subject matter defined by independent Claims 15 and 28. Therefore, Claims 15 and 28 are allowable. Claims 16-20 and 22-24 depend from Claim 15 while dependent Claims 29-31, 33 and 35 depend from Claim 28 and all are allowable for the same reasons and also because they recite additional patentable subject matter.

For these and other reasons, Bukulmez '036 does not teach or suggest the subject matter defined by dependent Claims 21 and 32. Therefore, Claims 21 and 32 are allowable. Claim 21 depends from Claim 15 while Claim 31 depends from Claim 28 and are allowable for the same reasons and also because they recite additional patentable subject matter.

For these and other reasons, Bukulmez '036 and Licentia '613, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claims 24 and 34. Therefore, Claims 24 and 34 are allowable. Claim 24 depends from Claim 15 while Claim 34 depends from Claim 28 and are allowable for the same reasons and also because they recite additional patentable subject matter.

For these and other reasons, Bukulmez '036, Onaka '819 and Carter '144 either alone or in any combination, do not teach or suggest the subject matter defined by independent Claim 36. Therefore, Claim 36 is allowable.

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**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of Claims 15-24 and 27-36 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted



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